UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,733	04/26/2005	Marcus Burgel	2002P16722WOUS	6283

7590   04/30/2008

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Intellectual Property Department
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EXAMINER
BLACK, LINH

ART UNIT	PAPER NUMBER
2163	

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04/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action **Before the Filing of an Appeal Brief**	Application No. *10/532,733*	Applicant(s) BURGEL ET AL.	
	Examiner LINH BLACK	Art Unit 2163	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>26 March 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *7-18*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/don wong/
Supervisory Patent Examiner, Art Unit 2163

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments on pages 2-3 have been considered but not persuasive. Regarding to arguments of claim 7 on pages 2-3, the cited paragraph 223 teaches "The planned extension of the Data Management System 10 may be a data interchange module to send and receive data objects with other systems using XML…" The cited pararaphs show data are in the forms of objects that are usable by front-end applications - cited par. 13; cited par. 46 discloses a client application requests data from the data sources (databases or files)…constructs an apporopriate document, and then returns that document to the requestion client application, more importantly, par. 223 teaches the send and receive data objects between systems using XML. The cited paragraphs 128, 232 disclose data are structured in the form of objects "The Data Management System 10 includes tools for simplified data maintenance, such as creating, editing, and deleting objects. It also includes tools for creating and modifying its ObjDef database 24, on various platforms as needed…" Par. 36 teaches the objdef database/files stores the metadata of the source files. It can be equivalent to first files.

On page 2, last par., Applicants gave an example of how cited pars. 10, 52, 55, 68, and 102 teach "second file having a first mechanism for referencing the components as a higher-order, object-based logical level for storing and selectively directly accessing the objects…"

Pagragraph 10 teaches an object relational database management system for a client application to access data in at least one data source…the object definition database contains metadata, in the forms of programmatic objects, about location and structure of the data in the data sources. The object definition component reads the metadata from the object definition database and provides it to the object server component. The object server component manages data storage and retrieval functions in the data sources for the client application, based on the metadata".   The object server component can be interpreted as a second file that having a mechanism for accessing objects based on the referenced metadata; metadata components are in higher order logical level storing objects than data objects themselves. Accesing objects based on metadata would help avoid to read portions of the source file data when seeking other portions of the source file. Par. 55 teaches "The DMS 10 treats a single directory root as a data source containing subdirectories and files. Each subdirectory under the root directory is defined as a single object and all files within a single subdirectory are expected to be of the same type. Thus, a directory or file structure is defined by a single data source 14 (root directory) with one or more object types (subdirectories) containing one or more object records (files)." However, Examiner interprets the metadata structure of sources' objects in the ObjDef Database would provide a hierarchical structuring of object complexes and distribution of data of objects.